

EXHIBIT G

Transcribed Trial Testimony of David
Cole that was video recorded and
played for the Jury

David Cole - Stipulated

Designation List Report



Cole, David

2024-08-30

Stipulated Designations

00:22:30

TOTAL RUN TIME

00:22:30



OSI4V2 - David Cole - Stipulated

DESIGNATION	SOURCE	DURATION	ID
7:25 - 8:12	Cole, David 2024-08-30	00:00:33	OSI4V2.1
	7:25 Q. Can you please state your full name?		
	8:01 A. Middle name too?		
	8:02 Q. Yes.		
	8:03 A. David Alan Cole.		
	8:04 Q. Have you ever been known by any other name?		
	8:05 A. No.		
	8:06 Q. Can you please state your date and place of		
	8:07 birth?		
	8:08 A. May 13, 1983; Skowhegan, Maine.		
	8:09 Q. Can you say the town again?		
	8:10 A. Skowhegan.		
	8:11 Q. Okay. How long have you lived in Maine?		
	8:12 A. My entire life.		
16:05 - 16:08	Cole, David 2024-08-30	00:00:09	OSI4V2.2
	16:05 Q. Did you go to the police academy?		
	16:06 A. Yes.		
	16:07 Q. When did you go to the police academy?		
	16:08 A. 2007 --		
23:08 - 24:17	Cole, David 2024-08-30	00:02:27	OSI4V2.3
	23:08 Q. Okay. Have you seen the documents that I have in		
	23:09 front of you right now that I've marked as Exhibit 1?		
	23:10 A. Yes, ma'am.		
	23:11 Q. And can you please describe what they are?		
	23:12 A. The one closest to me is my certificate after		
	23:13 completing the 18-week academy.		
	23:14 Q. Okay.		
	23:15 A. And the second one is the Sid Bridges Firearms		
	23:16 Proficiency Award.		
	23:17 Q. Okay. So the first one you said is the		
	23:18 completion of the academy, and it looks like it was		
	23:19 given to you May 25, 2007; is that correct?		
	23:20 A. Yes, that's the date on there.		
	23:21 Q. Okay. Is that the date that you officially		
	23:22 graduated from the academy?		
	23:23 A. I believe so.		
	23:24 Q. Okay. And then the Sid Bridges Firearms		
	23:25 Proficiency Award was also provided to you on May 25,		
	24:01 2007; is that correct?		
	24:02 A. Yes.		

OSI4V2 - David Cole - Stipulated

DESIGNATION	SOURCE	DURATION	ID
	24:03 Q. And what was this provided to you for?		
	24:04 A. It's a -- do you want me to explain what the		
	24:05 award is, is that what you're --		
	24:06 Q. Yes.		
	24:07 A. Okay. During the academy, there's range weeks,		
	24:08 one of them is the firearm's range. So the best shooter		
	24:09 or shooters in the class receive that award.		
	24:10 Q. What firearms were you using during the academy?		
	24:11 A. H&K.		
	24:12 Q. Do you know which one? Was it the striker fired,		
	24:13 do you know?		
	24:14 A. I'm going to say no, it was a USP, and there was		
	24:15 a lever on the back.		
	24:16 Q. A hammer on the back?		
	24:17 A. A hammer on the back, sorry.		
36:10 - 37:07	Cole, David 2024-08-30	00:01:15	OSI4V2.4
	36:10 Q. Okay. And when you say when you went to		
	36:11 Somerset, you're talking about the police academy,		
	36:12 right? Or -- or -- let me -- I assumed something there.		
	36:13 When you went to Somerset, when you refer going		
	36:14 to Somerset, are you talking about when you were first		
	36:15 hired as a deputy there?		
	36:16 A. Yes.		
	36:17 Q. Okay. And that would have been in 2006, right?		
	36:18 A. Yes.		
	36:19 Q. Do you recall when in 2006?		
	36:20 A. Full-time was July. I did start working		
	36:21 part-time capacity earlier. I believe it was February.		
	36:22 Q. Okay. And when you were first hired by Somerset		
	36:23 County, were you issued a firearm?		
	36:24 A. Full-time, yes.		
	36:25 Q. Part-time, no?		
	37:01 A. Correct.		
	37:02 Q. What firearm were you issued by Somerset County		
	37:03 in July of 2006?		
	37:04 A. H&K.		
	37:05 Q. Is that the same type that you ended up using at		
	37:06 the academy?		
	37:07 A. Yes, ma'am.		
54:23 - 56:16	Cole, David 2024-08-30	00:02:27	OSI4V2.5

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DESIGNATION	SOURCE	DURATION	ID
54:23	Q. Okay. So let's talk then about your duty		OSI4V2.5
54:24	weapons. Your first duty weapon, that was the H&K that		
54:25	you purchased?		
55:01	A. Yes.		
55:02	Q. Okay. Did you have any other H&Ks or just that		
55:03	one as a duty weapon?		
55:04	A. As a duty weapon, just that one.		
55:05	Q. Okay. Then did you go into the Glock after the		
55:06	H&K?		
55:07	A. Yes.		
55:08	Q. And which Glock did you go into after the H&K?		
55:09	A. It was .45 caliber.		
55:10	Q. How long did you carry the H&K on duty?		
55:11	A. It was years. A guess would be seven, but more		
55:12	or less, I would say.		
55:13	Q. So approximately seven years, give or take a year		
55:14	or so?		
55:15	A. Yes.		
55:16	Q. And then from there, you went into the .45		
55:17	caliber Glock?		
55:18	A. Yes.		
55:19	Q. For how long did you carry that?		
55:20	A. It would be another guesstimate, but five years,		
55:21	maybe.		
55:22	Q. Okay. And when you say guesstimate, five years		
55:23	give or take a year or so?		
55:24	A. Approximately, yes.		
55:25	Q. Okay. And then after the Glock .45, what did you		
56:01	go into?		
56:02	A. I think that was when we were issued the Sig		
56:03	Sauer, but there might have been a gun in between, I'm		
56:04	not positive.		
56:05	Q. Do you recall when you were issued the P320?		
56:06	A. That's another guesstimate, but within months.		
56:07	I'd -- February of 2022.		
56:08	Q. Okay. And when you say within months, you mean		
56:09	within months of your discharge incident?		
56:10	A. No, I mean within months of February. So I don't		
56:11	know if it was like January or March, but it was in that		
56:12	time frame.		
56:13	Q. Okay, understood, of 2022?		

OSI4V2 - David Cole - Stipulated

DESIGNATION	SOURCE	DURATION	ID
	56:14 A. Yes.		
	56:15 Q. And what model P320 were you issued?		
	56:16 A. I thought the model was the P320.		
82:20 - 83:23	Cole, David 2024-08-30	00:01:56	OSI4V2.6
	82:20 Q. Had you ever heard about the Sig Sauer P320		
	82:21 pistol before it was issued to you?		
	82:22 A. Only if it was one of those guns that I shot		
	82:23 prior to it being issued, but other than that, no.		
	82:24 Q. Okay. Did you ever visit Sig Sauer's website		
	82:25 prior to your incident?		
	83:01 A. No.		
	83:02 Q. Did you ever read any reviews about the P320		
	83:03 pistol prior to your incident?		
	83:04 A. No.		
	83:05 Q. Did you ever review any marketing information		
	83:06 issued by Sig Sauer about the P320 prior to your		
	83:07 incident?		
	83:08 A. No.		
	83:09 Q. Did you know anybody who owned or used a P320		
	83:10 pistol before you were issued your duty weapon, your		
	83:11 P320 duty weapon?		
	83:12 A. Not that I'm aware of, no.		
	83:13 Q. Had you heard about any unintentional discharges		
	83:14 with a P320 pistol prior to your incident?		
	83:15 A. No.		
	83:16 Q. Prior to being issued the P320 duty pistol or		
	83:17 potentially when pistols were sent to Somerset County to		
	83:18 be tried out, had you ever fired a P320 pistol?		
	83:19 A. No.		
	83:20 Q. And I apologize if I've asked this, but prior to		
	83:21 being issued your P320 pistol, did you have any concerns		
	83:22 with that model pistol?		
	83:23 A. No.		
107:03 - 113:24	Cole, David 2024-08-30	00:11:44	OSI4V2.7
	107:03 Q. Okay. And the accident happened on May 4, 2022;		
	107:04 is that correct?		
	107:05 A. Yes.		
	107:06 Q. What day of the week was that?		
	107:07 A. Wednesday, I think.		
	107:08 Q. Okay. Approximately what time did the accident		

OSI4V2 - David Cole - Stipulated

DESIGNATION	SOURCE	DURATION	ID
107:09	occur?		
107:10	A. Approximate, I hope; I want to say 9:30,		
107:11	9:40-ish.		
107:12	Q. In the morning, right?		
107:13	A. Yes, sorry.		
107:14	Q. What time did your shift start that day?		
107:15	A. Approximately 7 a.m.		
107:16	Q. Do you recall what time you got up that morning?		
107:17	A. I don't that morning in particular. Normally		
107:18	it's between 5 and 5:30 when I get up.		
107:19	Q. How long does it take you to get into work?		
107:20	A. Do you mean the drive?		
107:21	Q. Yes.		
107:22	A. Ten, 15 minutes, but I'm technically at work when		
107:23	I get in my car so --		
107:24	Q. So as soon as you get into -- and your car, was		
107:25	that a patrol car, was that an undercover or detective		
108:01	car?		
108:02	A. Yes.		
108:03	Q. What kind of car was it?		
108:04	A. That, at the time, was a Chevy Silverado truck,		
108:05	bright red.		
108:06	Q. And so when you got into the truck, did you log		
108:07	in or somehow report to duty as soon as you got into the		
108:08	truck?		
108:09	A. You sign on duty on the radio.		
108:10	Q. Okay. And then you get into -- or on that day,		
108:11	did you go directly from your home into the office, or		
108:12	did you go somewhere else first?		
108:13	A. I don't know if I went to the office that morning		
108:14	because we were meeting for the search warrant in a		
108:15	different county. I don't know if I stopped at the		
108:16	office first or not.		
108:17	Q. Okay. And where were you going for the search		
108:18	warrant?		
108:19	A. The search warrant itself was in Sangerville.		
108:20	Q. Where were you meeting for the search warrant?		
108:21	A. Bear with me, it's a different county. I think		
108:22	it was Dover Foxcroft, I believe.		
108:23	Q. Okay. What time were you meeting?		
108:24	A. I'm not sure there was a specific time, but it		

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DESIGNATION	SOURCE	DURATION	ID
108:25	would have been first thing so approximately		
109:01	eight o'clock.		
109:02	Q. And how far away was that from your home?		
109:03	A. Approximately an hour, maybe a little more.		
109:04	Q. Okay. Who were you meeting?		
109:05	A. Other deputies from Piscataquis, deputies from		
109:06	our agency and other detectives from our agency.		
109:07	Q. Do you recall the names of anybody that you were		
109:08	meeting that morning?		
109:09	A. I recall some, yes.		
109:10	Q. Okay. Which names do you recall?		
109:11	A. Detective Dodge, Detective Leal, Deputy Armiger,		
109:12	Lieutenant Knight. That's everybody from our agency.		
109:13	Then there was -- I know that Deputy Cook from		
109:14	Piscataquis. And there was one or two more Piscataquis		
109:15	guys, and their sheriff was there.		
109:16	Q. Anyone else you can remember?		
109:17	A. No.		
109:18	Q. Okay. All right. So you arrive for the meeting.		
109:19	How long was that meeting?		
109:20	A. It would have been a briefing on the search		
109:21	warrant. I don't have a time. I mean it would be safe		
109:22	to say it was 20 or 30 minutes.		
109:23	Q. And then what did you do after that briefing?		
109:24	A. We went to the address of the search warrant.		
109:25	Q. Did you drive by yourself or was anybody with		
110:01	you?		
110:02	A. By ourselves, we took our own cruisers.		
110:03	Q. How long to get to the address -- let me ask that		
110:04	again.		
110:05	How long did it take you to get to the address of		
110:06	the search warrant from the briefing meeting?		
110:07	A. I don't recall it being very long. I don't know		
110:08	a time though.		
110:09	Q. Okay. Can you tell me what happened from the		
110:10	time that you arrived to the address of the search		
110:11	warrant to the time of the discharge of the P320 pistol?		
110:12	A. About my actions or what I observed around me too		
110:13	or --		
110:14	Q. Yes.		
110:15	A. We arrived, the entry team went to the door. I		

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DESIGNATION	SOURCE	DURATION	ID
110:16	was not on the entry team. Then we have perimeter units		
110:17	which I was a perimeter unit. They knocked, entered. I		
110:18	can't remember if somebody answered the door or if they		
110:19	forced entry. Cleared the residence and secured the		
110:20	residence, and then notified everybody that the		
110:21	residence was secure. We walked through. I say "we."		
110:22	Some of us walked through the property, the house, the		
110:23	detached garage, I believe, and then we started giving		
110:24	out assignments.		
110:25	Q. Okay. Now, when you were on perimeter duty, did		
111:01	you have your weapon drawn?		
111:02	A. Not that I recall.		
111:03	Q. Okay. And then once the residence was determined		
111:04	to be cleared and secured, did you enter the residence?		
111:05	A. Yes.		
111:06	Q. When you entered the residence, did you have your		
111:07	weapon drawn?		
111:08	A. Not that I recall. It was already secured so		
111:09	there would have been no need for me to.		
111:10	Q. Okay. Did you also walk through the detached		
111:11	garage?		
111:12	A. I think so.		
111:13	Q. And then what happened after that?		
111:14	A. Discussion between me and Detective Dodge. He		
111:15	asked me to take care of the evidence, and he had the		
111:16	evidence kit in his car so I was off-loading my jacket		
111:17	and my vest prior to searching. I had taken my jacket		
111:18	off, I was walking to my truck to put it in the truck		
111:19	along with my vest, and then I heard the gunshot.		
111:20	Q. When the gun discharged, were you walking at the		
111:21	time?		
111:22	A. Yes.		
111:23	Q. And you said you had already taken the jacket		
111:24	off?		
111:25	A. Yes.		
112:01	Q. Had you already taken the vest off or were you in		
112:02	the process of taking that off when the gun discharged?		
112:03	A. It wasn't off yet. I don't know if I was in the		
112:04	process of taking it off or not.		
112:05	Q. So it was either still on and you intended to		
112:06	take it off, or you were in the process of taking it off		

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DESIGNATION	SOURCE	DURATION	ID
112:07	when it discharged; is that what you're saying?		
112:08	A. Yes, I was walking. I had already taken the		
112:09	jacket off. I'm not sure if I undid any Velcro prior to		
112:10	getting into my truck or not.		
112:11	Q. Okay. And do you recall whether at any time from		
112:12	securing the gun in your holster on your belt at your		
112:13	home that morning to the time of it discharging, whether		
112:14	you had drawn the gun for any reason?		
112:15	A. I don't recall drawing my gun that day. Yeah, I		
112:16	can't recall drawing it while I was on scene so I don't		
112:17	know.		
112:18	Q. Okay. And then at the time the gun discharged,		
112:19	did you have your hands on the gun or the holster?		
112:20	A. No.		
112:21	Q. At the time that the gun discharged, did you bump		
112:22	it against anything?		
112:23	A. Not that I know of.		
112:24	Q. Now, you said that you were walking. Was there		
112:25	anything around you that you may have bumped into with		
113:01	the gun?		
113:02	A. I was on the lawn. I don't know if there was		
113:03	stuff on that lawn or not.		
113:04	Q. Where were you in proximity to your truck when		
113:05	the gun discharged?		
113:06	A. Ten to 20 feet, maybe.		
113:07	Q. Okay. Do you recall if anything was in contact		
113:08	with the gun or the holster when it discharged?		
113:09	A. I don't know.		
113:10	Q. Okay. Tell me what happened when the gun		
113:11	discharged.		
113:12	A. I heard the gunshot. I felt my leg hurting, I		
113:13	fell to the ground. People came running over. I looked		
113:14	down at my leg, I realized I was shot. I was surrounded		
113:15	by everybody that was there -- well, I say everybody. I		
113:16	don't know if it was everybody or not. It felt like		
113:17	everybody. Somebody was yelling, "where's the shooter,"		
113:18	and I'm staring at my leg. They started doing first aid		
113:19	on me and somebody yelled again, "where's the shooter,"		
113:20	and I said, "I think it was my gun."		
113:21	THE WITNESS: Could we just take a break for		
113:22	a second?		

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DESIGNATION	SOURCE	DURATION	ID
	113:23 MS. DENNISON: We sure can.		
	113:24 (OFF RECORD)		
117:10 - 117:25	Cole, David 2024-08-30	00:01:02	OSI4V2.8
	117:10 Q. All right. So do you know right after the		
	117:11 incident, was the gun still holstered in your holster?		
	117:12 A. Yes.		
	117:13 Q. Do you know what happened to the gun immediately		
	117:14 after you went down to the ground?		
	117:15 A. It was holstered. While I was on the ground,		
	117:16 after -- not realizing is the wrong word. After		
	117:17 thinking it could have been my gun that shot me, I had		
	117:18 asked somebody where is my gun, and they -- and I don't		
	117:19 know who it was. They said, it's in your holster. I'm		
	117:20 like is it -- is it locked in? And somebody tugs on it		
	117:21 and says, "yes, it's locked in." And I -- I think		
	117:22 somebody removed it after that, I'm not sure who.		
	117:23 Q. Okay. Did you see the P320 again after the		
	117:24 accident?		
	117:25 A. No.		
142:02 - 142:17	Cole, David 2024-08-30	00:00:56	OSI4V2.9
	142:02 Q. Okay. Do you have or do you believe that your		
	142:03 P320 discharged without anything pulling the trigger?		
	142:04 A. I don't know.		
	142:05 Q. Okay, and that's a -- that's a fair answer.		
	142:06 So you don't know what happened to cause your gun		
	142:07 to discharge, you just know that it discharged in your		
	142:08 holster, and you did not have your hand on the gun; is		
	142:09 that accurate?		
	142:10 A. Yes.		
	142:11 Q. Would you expect your P320 pistol to fire if		
	142:12 something pulled the trigger all the way to the rear?		
	142:13 A. Yes.		
	142:14 Q. And would you agree that it would be a problem		
	142:15 for you as an officer of the law if your trigger was		
	142:16 pulled all the way to the rear and it did not discharge?		
	142:17 A. Yes.		
Stipulated Designations		00:22:30	
TOTAL RUN TIME		00:22:30	